

## Message Text

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SS-15 NSC-05 SP-02 CG-00 DOTE-00 CIAE-00 INR-07

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DRAFTED BY EUR/EE:APBRAINARD:MV

APPROVED BY EUR:JAARMITAGE

EUR/EE:CBROWN

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O 211529Z MAY 75

FM SECSTATE WASHDC

TO AMEMBASSY WARSAW IMMEDIATE

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E.O. 11652: N/A

TAGS: PFOR, EFIS, PL

SUBJECT: F/V KALMAR: CALL OF POLISH AMBASSADOR

TRAMPCZYNSKI ON DEPUTY ASSISTANT SECRETARY

ARMITAGE, MAY 20

1. POLISH AMBASSADOR TRAMPCZYNSKI CALLED ON DEPUTY ASSISTANT SECRETARY ARMITAGE TO EXPRESS CONCERN ABOUT THE DETENTION OF THE F/V KALMAR. TRAMPCZYNSKI REPORTED THAT HIS LAWYERS HAVE TOLD HIM THAT POSSIBILITIES FOR GETTING THE KALMAR BACK TO SEA INCLUDE PAYMENT OF A \$400,000 FINE (IN CONTRAST TO FINES OF \$100,000 LEVIED ON SOVIET AND ROMANIAN VESSELS) OR THE POSTING OF A BOND VALUED AT TWICE THE VALUE OF THE SHIP, TO BE FOLLOWED BY A COURT TRIAL WHERE PENALTIES COULD GO AS HIGH AS A \$100,000 CRIMINAL FINE AND CONFISCATION OF SHIP AND CARGO.

2. TRAMPCZYNSKI SAID THAT THE KALMAR'S CAPTAIN MAINTAINS THAT HE WAS NOT FISHING IN U.S. TERRITORIAL WATERS BUT WAS LIMITED OFFICIAL USE  
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RATHER 12.2 MILES FROM THE COAST. THE POSSIBLE FINE, HOWEVER, WAS SO HIGH THAT HE (TRAMPCZYNSKI) WISHED TO DISCUSS IT.

3. ARMITAGE REVIEWED FOR TRAMPCZYNSKI THE WORKING OF THE LAW AND PAST PRACTICE. HE ASSERTED THAT IN SOME CASES, INCLUDING THOSE INVOLVING POLISH VESSELS, THE COAST GUARD DID NOT ARREST OFFENDING VESSELS BECAUSE IT WAS NOT ABSOLUTELY CERTAIN THAT ITS CASE WOULD STAND UP IN COURT. WITHIN THE LAST MONTH, THE COAST GUARD WARNED THE CAPTAIN OF THE KALMAR ABOUT FISHING IN U.S. COASTAL WATERS. THE COAST GUARD BELIEVES THAT ITS PRESENT CASE AGAINST THE KALMAR IS AIRTIGHT. RECENT FINES HAVE RANGED FROM \$100,000 TO \$350,000 AND THAT THERE IS A PRESENTLY PENDING CASE WITH JAPAN INVOLVING A CONSIDERABLY HIGHER SUM.

4. ARMITAGE SAID THAT EARLY SETTLEMENT OF THE KALMAR CASE IS IN POLAND'S BEST INTERESTS. THE FASTER BOTH SIDES CAN AGREE ON THE FACTS, THE MORE EXPEDITIOUS THE HANDLING OF THE CASE AND THE LESS COSTLY FOR POLAND.

5. TRAMPCZYNSKI SAID THAT HE HAD BEEN OPTIMISTIC ABOUT A SMALL FINE UNTIL HIS LAWYERS REPORTED THAT WASHINGTON IS INSISTING ON A HIGHER ONE. HE CONTINUED THAT IT IS VERY DIFFICULT TO ADMIT VIOLATION OF U.S. COASTAL WATERS, ESPECIALLY SINCE THE CAPTAIN IS CERTAIN THAT HE CAN WIN IN COURT.

6. IN RESPONSE TO THE AMBASSADOR'S QUESTION, ARMITAGE NOTED THAT THE HANDLING OF THE MATTER IS LODGED IN THE JUDICIAL PROCESS IN SAN FRANCISCO. DEPT. ALWAYS READY TO HEAR POLISH REPRESENTATIONS BUT MATTER CAN NOT BE RESOLVED IN WASHINGTON. ARMITAGE REPEATED THAT THE COAST GUARD IS UNDER ORDERS TO BE VERY EXACT AND THAT IT IS ENFORCING U.S. LAW. HE ASSURED TRAMPCZYNSKI THAT WE WOULD DO EVERYTHING POSSIBLE TO EXPEDITIOUSLY PROCESS THE KALMAR CASE BUT SO LONG AS THE FACTS WERE CONTESTED, THIS WOULD NOT BE EASY. FURTHER, WE WOULD KEEP PRECEDENTS IN MIND.

7. THE AMBASSADOR INDICATED THAT HE WOULD REVIEW THE SITUATION WITH VICE MINISTER PIETRASZEK AND THAT HE MIGHT  
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BE ABLE TO INFORM US ON MAY 21 ABOUT THE POLISH COURSE OF ACTION. INGERSOLL

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## Message Attributes

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